



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Tentative Notice of Action**

*Promoting the wise use of land  
Helping build great communities*

<b>MEETING DATE</b> October 14, 2016 <b>LOCAL EFFECTIVE DATE</b> October 28, 2016 <b>APPROX FINAL EFFECTIVE DATE</b> November 18, 2016	<b>CONTACT/PHONE</b> Brandi Cummings (805) 781-1006 bcummings@co.slo.ca.us	<b>APPLICANT</b> Dan & Jude Clement	<b>FILE NO.</b> DRC2015-00119
<b>SUBJECT</b> A request by <b>DAN &amp; JUDE CLEMENT</b> for a Minor Use Permit/Coastal Development Permit (DRC2015-00119) to allow the following: conversion of an existing 416 square-foot garage to living space, an addition of 270 square feet of living area, a 500 square foot garage addition, a 228 square foot roof deck, and remodel of the existing residence. The proposed project will result in the permanent disturbance of 770 square-feet of the 10,000 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 1261 Pasadena Drive, approximately 364 feet southwest of the Pasadena Drive and Santa Ysabel Avenue intersection, in the community of Los Osos. The site is in the Estero planning area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit DRC2015-00119 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
<b>ENVIRONMENTAL DETERMINATION</b> A Class 1 Categorical Exemption was issued on August 19, 2016 (ED15-279).			
<b>LAND USE CATEGORY</b> Residential Single Family	<b>COMBINING DESIGNATION</b> Local Coastal Plan, Coastal Appealable Zone, Archaeological Study Area, Coastal Access Area, Flood Hazard, Sensitive Resource Area, Small Scale Neighborhood, Wetlands	<b>ASSESSOR PARCEL NUMBER</b> 038-732-003	<b>SUPERVISOR DISTRICT(S)</b> 2
<b>PLANNING AREA STANDARDS:</b> Local Coastal Program, Drainage, Bayfront Development, Sensitive Resource Area, Lot Coverage <i>Does the project meet applicable Planning Area Standards: Yes - see discussion.</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Coastal Appealable Zone, Local Coastal Program Area, Setbacks, Drainage, Archaeological Study Area, Flood Hazard Area <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion.</i>			
<b>FINAL ACTION</b> This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing.  The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

EXISTING USES: Single family residence	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family /residences <i>East:</i> Residential Single Family/ residences <i>South:</i> Residential Single Family/ vacant <i>West:</i> Recreation / Estero Bay	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Building Division, Cal Fire, Los Osos Community Services District, Los Osos Community Advisory Council, and the California Coastal Commission.	
TOPOGRAPHY: Gently sloping	VEGETATION: Ornamental landscaping
PROPOSED SERVICES: Water supply: Golden State Water Company Sewage Disposal: Individual on-site septic Fire Protection: Cal Fire	ACCEPTANCE DATE: August 9, 2016

## DISCUSSION

The existing residence was constructed in 1973. The applicant is proposing to expand the residence by converting the 416 square-foot garage to a media room, adding a 270 square-foot bedroom, adding a new 500 square-foot garage, and a 228 square-foot roof deck addition. The applicant is also proposing to remodel a portion of the existing residence, and not increase the number of bedrooms (3) or bathrooms (2). The addition area is located on the eastern portion of the property and will not encroach on the wetland/bayfront side of the property.

## LOS OSOS URBAN AREA STANDARDS

### Community Wide

Drainage. In Los Osos Lowland Areas, all land use permit applications for new structures or additions to the ground floor of existing structures shall require drainage plan approval pursuant to Coastal Zone Land Use Ordinance Sections 23.05.040 unless the County Engineer determines that the individual project site is not subject to or will not create drainage problems.

*Staff comments: The proposed project is conditioned to comply with this standard at the time of construction permit application.*

Bayfront Development. Height is limited to 14 feet on Bayfront properties. Fences shall not be constructed that would restrict public views of the bay from public roads or preclude lateral public access. On-site vegetation shall be preserved whenever possible. Grading shall be minimized and limited to the building pad and driveway, road, and other required improvements.

*Staff comments: The proposed project additions will match the existing structure and be 14 feet in height or less, including the rail for the proposed roof deck. No fences are proposed with this project, and no lateral access is required as there is existing lateral access within 1,000 feet to the north and south. Grading will be minimized because the new garage is located on an existing graded and paved driveway, and the new bedroom addition is located on an existing graded patio area.*

## **Combining Designations**

Local Coastal Program. New Bayfront development in Tract 40 shall be required to record a minimum 30- foot lateral easement extending from the inland extent of wetland vegetation, primarily for habitat protection and secondarily for public access.

*Staff comments: The proposed project is conditioned to comply with this project prior to issuance of a construction permit.*

Sensitive Resource Area (SRA) – Wetland Setback. For lots within Tract 40 the minimum wetland setback required is 75 feet except where adjusted down to no closer than 50 feet from the wetland pursuant to Section 23.07.112d(2) of the CZLUO.

*Staff comments: The proposed residence was constructed in 1973 and is 78 feet from the property line and a portion of the existing residence is likely located within the required 75 foot wetland setback. However, all proposed additions and structural alterations will be occurring on the eastern half of the property, to the east of the existing residence, and will not encroach into the wetland setback.*

## **Residential Single Family**

Lot Coverage. Maximum lot coverage permitted on a single 25 foot lot is 60%; lots of 6,000 square feet or more are permitted 40% coverage, excluding patios, driveways, walks, etc.

*Staff comments: The proposed project is located on a 10,000 square-foot lot and is allowed 4,000 square-feet of lot coverage. The lot coverage with the proposed additions will be 3,432 square-feet, and therefore complies with this standard.*

## **COASTAL ZONE LAND USE ORDINANCE STANDARDS**

### **Section 23.01.043 – Appeals to the Coastal Commission (Coastal Appealable Zone)**

The project is appealable to the Coastal Commission because the project is proposed development between the ocean and first public road.

### **Section 23.07.120 – Local Coastal Program Area (LCP)**

The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

### **Section 23.04.100 – Setbacks**

The required front setback is 25 feet. The required side setbacks are 10 percent of the lot width, up to a maximum of five feet. The required rear setback is 10 feet.

*Staff comments: The project complies with this standard because the residence will be setback 40 feet from the front property line, 5 feet from the side property lines, and 78 feet from the rear property lines.*

### **Section 23.05.040 – Drainage**

A drainage plan is required to be submitted to the County Engineer for review and approval.

*Staff comments: The proposed project is conditioned to provide a drainage plan at time of construction permit application.*

#### **Section 23.07.104 – Archaeologically Sensitive Area**

This standard is intended to protect and preserve archaeological resources within areas of the coastal zone identified as archaeologically sensitive. In the event archeological resources are unearthed or discovered during any construction activities, all work shall stop and not commence until a mitigation plan is completed and implemented.

*Staff comments: The proposed additions are located on previously graded and partially paved areas of the property, between the street and residence. The project is conditioned to cease construction in the event archaeological resources are discovered during construction until a qualified archaeologist knowledgeable in the Chumash culture can determine the significant of the resource and submit mitigation measures.*

#### **COASTAL PLAN POLICIES**

Following is a brief list of the Coastal Plan Policies (discussion of specific applicable policies following):

Shoreline Access: N/A

Recreation and Visitor Serving: N/A

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: N/A

Agriculture: N/A

Public Works: ☒

Policy No(s): 1

Coastal Watersheds: ☒

Policy No(s): 8, 9, 10 and 11

Visual and Scenic Resources: N/A

Hazards: N/A

Archeology: ☒

Policy No(s): 6

Air Quality: N/A

#### **Public Works**

Policy 1: Availability of Service Capacity. New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line for which services will be needed consistent with the Resource Management System where applicable.

The applicant shall assume responsibility in accordance with county ordinances or the rules and regulations of the applicable service district or other providers of services for costs of service extensions or improvements that are required as a result of the project.

*Staff comments: The project is within the Los Osos Valley Groundwater Basin. The Board of Supervisors certified a Level of Severity III for the Basin on March 27, 2007. The proposed project is an addition to an existing residence that will not increase the occupancy of the residence, and therefore will not impact the Los Osos Valley Groundwater Basin. The proposed project includes living space addition and an interior remodel, but the residence will remain at 3 bedrooms and 2 bathrooms.*

## **Coastal Watersheds**

Policy 8: Timing of Construction and Grading. Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures should be in place before the start of the rainy season. Soil exposure should be kept to the smallest area and the shortest feasible period.

*Staff comment: The proposed project is consistent with this policy because it is conditioned to require an erosion and sedimentation control plan when grading is conducted or left in an unfinished state during the period from October 15 through April 15.*

Policy 9: Techniques for Minimizing Sedimentation. Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation.

*Staff comment: The proposed project is consistent with this policy because the applicant is conditioned to apply Best Management Practices in the selection and implementation of site maintenance.*

Policy 10: Drainage Provisions. Site design shall ensure that drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses.

*Staff comment: The proposed project is conditioned to comply with this policy by meeting all drainage plan and erosion control measures required the San Luis Obispo County Public Works department.*

Policy 11: Preserving Groundwater Recharge. In suitable recharge areas, site design and layout shall retain runoff on-site to the extent feasible to maximize groundwater recharge and to maintain in-stream flows and riparian habitats.

*Staff comment: The proposed project is consistent with this policy because site grading has been designed to retain groundwater on-site to the extent feasible.*

## **Archaeology**

Policy 6: Archaeological Resources Discovered during Construction or through Other Activities. Where substantial archaeological resources are discovered during construction of new development, all activities shall cease until a qualified archaeologist knowledgeable in the Chumash culture can determine the significant of the resource and submit alternative mitigation measures.

*Staff comments: The proposed project is conditioned to comply with this standard.*

#### COMMUNITY ADVISORY GROUP COMMENTS

The project was referred to the Los Osos Community Advisory Council (LOCAC). LOCAC reviewed the project at their May 26, 2016 regular meeting and recommended approval of the requested development with no concerns expressed.

#### AGENCY REVIEW

Public Works – Per attached referral response (Tomlinson, May 6, 2016), a drainage plan is required at time of construction permit application. Payment of Road Improvement Fees (Los Osos Road Fee Area) is required prior to building permit issuance. The project is located in a flood zone and the project will require a Storm Water Control Plan application.

Building Department – Per attached referral response (Stoker, May 2, 2016), the project is required to comply with all applicable building codes.

Cal Fire – No response.

Los Osos Community Service District – Per attached referral response (Falkner, May 5, 2016), water service is provided to this residence.

California Coastal Commission – No response.

#### LEGAL LOT STATUS

The one existing parcel is Lot 7 of Block 3 Tract 40, according to map recorded April 24, 1946 in Book 5, Page 59 of Maps.

Staff report prepared by Brandi Cummings and reviewed by Kerry Brown.